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International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**EX PARTE MOTION FOR LEAVE TO
FILE OVERLENGTH MEMORANDUM
IN OPPOSITION TO SCO'S
OBJECTIONS TO MAGISTRATE JUDGE
WELLS' ORDER OF JUNE 28, 2006**

Civil No. 2:03-CV-00294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Pursuant to DUCivR 7-1(e), Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”) respectfully submits this Ex Parte Motion for Leave to File Overlength Memorandum in Opposition to SCO’s Objections to Magistrate Judge Wells’ Order of June 28, 2006, consisting of approximately 55 pages of argument, exclusive of face sheet, table of contents and authorities, preliminary and fact statements, and appendices and exhibits.

With its objections, SCO has submitted an overlength memorandum nearly 55 pages in length which raises a host of detailed issues and complaints spanning nearly the entire history of this case. While IBM has endeavored to respond to the issues in succinct fashion, doing so fully and fairly has necessitated approximately 55 pages of legal argument.

Based on the foregoing, IBM respectfully requests that it be granted leave to file its overlength Memorandum in Opposition to SCO’s Renewed Motion to Compel, consisting of approximately 55 pages of argument.

DATED this 14th day of August, 2006.

Snell & Wilmer L.L.P.

/s/ Amy F. Sorenson

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of August, 2006, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the following:

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